

## **Remarks**

### **The Objection to the Specification**

The Office Action objects to the specification because the DNA sequences in Figures 3 and 4 are identified with accession numbers rather than sequence identifiers. The descriptions of these figures have been amended to refer to sequence identifiers. Applicants respectfully request withdrawal of the objection.

### **The Rejection of Claim 52 Under 35 U.S.C. § 112, second paragraph**

Claim 52 is rejected under 35 U.S.C. § 112, second paragraph, as lacking “a conclusion step.” Claim 52 has been amended as suggested in the Office Action.

Applicants respectfully request withdrawal of the rejection.

### **The Rejection of Claims 1, 43, 45, and 48-54 Under 35 U.S.C. § 102(a)**

Claims 1, 43, 45, and 48-54 stand rejected under 35 U.S.C. § 102(a) over Tang.<sup>1</sup> Applicants respectfully traverse the rejection.

The present application claims priority to provisional application Serial No. 60/250,083 filed November 29, 2000. The provisional application discloses the subject matter of claims 1, 43, 45, and 48-51. The publication date of Tang is September 20, 2000, less than one year before the provisional application’s filing date. A declaration of inventor Li Mao accompanies this response. Dr. Mao’s declaration explains that Tang describes Dr. Mao’s own work and that none of Dr. Mao’s co-authors contributed to the conception of the present invention. Because

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<sup>1</sup> Tang *et al.*, *J. Natl. Cancer Institute* 92, 1511-16, September 20, 2000.

Tang describes Dr. Mao's own work, Tang does not qualify as a reference against claims 1, 43, 45, and 48-54 under 35 U.S.C. §102(a).

Applicants respectfully request withdrawal of the rejection.

The Rejections Under 35 U.S.C. § 103(a)

The Office Action contains two rejections under 35 U.S.C. § 103(a):

- claims 1, 46, 47, 55, and 56 over Tang; and
- claims 1, 43, and 44 over Tang in view of Field<sup>2</sup>

Applicants respectfully traverse the rejections.

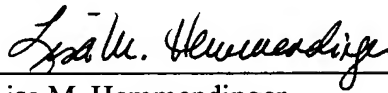
Both rejections rely on Tang as a primary reference. As discussed above, however, Tang cannot be used as a reference against the pending claims.

Applicants respectfully request withdrawal of the rejection.

Respectfully submitted,

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<sup>2</sup> Field *et al.*, *Proc. Ann. Meet. Am. Assoc. Cancer Res.* 38, abstract, 1997.